

## DRAFT

### 65-1120a. Reinstatement of revoked licenses; burden of proof; board of nursing report to legislature.

- (a) A person whose license has been revoked may apply for reinstatement of the license after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form approved by the board and shall be accompanied by a reinstatement fee established by the board under K.S.A. 65-1118, and amendments thereto. ~~The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement of the license.~~
- (b) The board may reinstate a revoked license upon a finding that the applicant is otherwise qualified for licensure under the Kansas nurse practice act and amendments thereto and is sufficiently rehabilitated to warrant the public trust. The burden shall be upon the applicant to establish rehabilitation by clear and convincing evidence.
- (c) In determining whether an applicant is sufficiently rehabilitated to warrant the public trust, the board may consider any relevant evidence, and may, but shall not be required, to consider the following factors:
  - (1) the present moral fitness of the applicant to practice nursing;
  - (2) the demonstrated consciousness of the wrongful conduct and the disrepute which the conduct has brought to the nursing profession;
  - (3) the extent of the applicant's rehabilitation;
  - (4) the seriousness of the original misconduct;
  - (5) the applicant's conduct subsequent to discipline;
  - (6) the time elapsed since the original discipline;
  - (7) the applicant's character, maturity, and experience at the time of the original discipline;
  - and
  - (8) the applicant's present competence to engage in the nursing profession; and
  - (9) other relevant factors bearing on the applicant's ability to practice nursing.
- (d) If the board determines a license should not be reinstated, the person shall not be eligible to reapply for reinstatement for three years from the effective date of the denial.
- (e) All proceedings conducted on an application for reinstatement shall be in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act. ~~The board, on its own motion, may stay the effectiveness of an order of revocation of license.~~
- (f) ~~On or before January 8, 2018, and on~~ or before the first day of the regular session of the Kansas legislature each year thereafter, the board of nursing shall submit a written report to the senate standing committee on public health and welfare and the house of representatives standing committee on health and human services that includes on an anonymous but individual and itemized basis: The number of individuals who applied for reinstatement of a revoked license during the immediately preceding calendar year; the amount of moneys charged to each such applicant; the number of such reinstatement applications that were granted and denied; and the basis given to deny any such reinstatement application.
- (g) This section shall be part of and supplemental to the Kansas nurse practice act.

**History:** L. 2017, ch. 31, § 2; July 1.